

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Charis Jones	Team: Squad #7	CCRB Case #: 201907255	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 08/14/2019 8:00 PM	Location of Incident: Over the telephone	Precinct: 19	18 Mo. SOL 2/14/2021	EO SOL 10/1/2021	
Date/Time CV Reported Thu, 08/15/2019 11:38 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/15/2019 11:38 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Alicia Garcia	00394	959649	019 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Alicia Garcia	Abuse: Police Officer Alicia Garcia refused to provide her name to § 87(2)(b)	
B.POF Alicia Garcia	Abuse: Police Officer Alicia Garcia refused to provide her name to § 87(2)(b)	
C.POF Alicia Garcia	Abuse: Police Officer Alicia Garcia threatened to arrest § 87(2)(b)	
D.POF Alicia Garcia	Abuse: Police Officer Alicia Garcia threatened to arrest § 87(2)(b)	
E.POF Alicia Garcia	Abuse: Police Officer Alicia Garcia threatened to remove § 87(2)(b) from the lease.	
F.POF Alicia Garcia	Abuse: Police Officer Alicia Garcia threatened to remove § 87(2)(b) from the lease.	

Case Summary

On August 15, 2019, § 87(2)(b) called the CCRB and filed this complaint.

On August 14, 2019, at approximately 8:00 p.m., § 87(2)(b) received a phone call from Police Officer Alicia Garcia of the 19th Precinct in Manhattan regarding a domestic violence complaint. § 87(2)(b) asked PO Garcia for her name and she allegedly did not provide it (**Allegation A: Abuse of Authority**, § 87(2)(g) PO Garcia told § 87(2)(b) that she did not want to talk to him and demanded that she speak to § 87(2)(b) § 87(2)(b)'s wife). § 87(2)(b) took the phone, put it on speaker, and identified herself. She asked for PO Garcia's name and PO Garcia allegedly did not provide it (**Allegation B: Abuse of Authority**, § 87(2)(g) PO Garcia told § 87(2)(b) and § 87(2)(b) that they would be arrested if they returned to the residence of § 87(2)(b) (§ 87(2)(b)'s father) (**Allegation C: Abuse of Authority**, § 87(2)(g) (**Allegation D: Abuse of Authority**, § 87(2)(g) PO Garcia told the § 87(2)(b) that she knew they had a court date coming up and that she would make sure both of their names would be removed from the lease (**Allegation E: Abuse of Authority**, § 87(2)(g) (**Allegation F: Abuse of Authority**, § 87(2)(g)

There is no video evidence regarding this complaint.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Alicia Garcia refused to provide her name to § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Alicia Garcia refused to provide her name to § 87(2)(b)

Allegation (C) Abuse of Authority: Police Officer Alicia Garcia threatened to arrest § 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Alicia Garcia threatened to arrest § 87(2)(b)

Allegation (E) Abuse of Authority: Police Officer Alicia Garcia threatened to remove § 87(2)(b) from the lease.

Allegation (F) Abuse of Authority: Police Officer Alicia Garcia threatened to remove § 87(2)(b) from the lease.

§ 87(2)(b) (Board Review 01) testified that he has had ongoing issues with § 87(2)(b) § 87(2)(b) regarding their current housing situation. § 87(2)(b) and § 87(2)(b) their two children, and § 87(2)(b) § 87(2)(b) (father of § 87(2)(b) have lived together in the same apartment since 2000. In 2017, § 87(2)(b) § 87(2)(b) decided that § 87(2)(b) and his family could no longer live there and demanded that they leave. § 87(2)(b) refused to leave because he had been paying rent and had lived there for a long time. Since then § 87(2)(b) § 87(2)(b) has called the police on § 87(2)(b) numerous times falsely accusing him of harassment. In July of 2019, § 87(2)(b) was arrested for assaulting his father. An order of protection was issued against him and he was banned from returning to the apartment. The order of protection did not include § 87(2)(b) however, and she had gone to the apartment two times since it had been issued to retrieve her family's belongings. On August 14, 2019, § 87(2)(b) and § 87(2)(b) were together when § 87(2)(b) received a phone call from PO Garcia. § 87(2)(b) § 87(2)(b) could not hear PO Garcia clearly aside from the words "domestic violence." § 87(2)(b) asked PO Garcia to call her back on her husband's phone. She provided PO Garcia with § 87(2)(b)'s phone number and hung up. PO Garcia called § 87(2)(b) and he answered. She immediately asked to speak with § 87(2)(b) He asked who was calling and PO Garcia responded, "Are you the one who

assaulted your father?" § 87(2)(b) denied this and asked PO Garcia for her name. PO Garcia ignored his request and demanded to speak with § 87(2)(b) § 87(2)(b). § 87(2)(b) took the phone, put it on speaker, and identified herself. PO Garcia told § 87(2)(b) that if she went back to § 87(2)(b) § 87(2)(b)'s apartment she would arrest her, her husband, and her kids for harassment. PO Garcia said that she knew the family had court date coming up and that she would make sure § 87(2)(b) and § 87(2)(b)'s names would be removed from the lease. § 87(2)(b) asked for her name again and PO Garcia immediately hung up the phone. § 87(2)(b) called the 19th Precinct the following day and PO Garcia picked up. During that conversation he asked for her name and she provided it to him.

§ 87(2)(b) (Board Review 02) testified that she had not been at § 87(2)(b) § 87(2)(b)'s residence since the beginning of August 2019, when the order of protection was issued. § 87(2)(g)

§ 87(2)(b) When PO Garcia called back on § 87(2)(b) § 87(2)(b)'s phone, he answered and asked PO Garcia to identify herself. PO Garcia responded, "You're the one that strangled your father." PO Garcia yelled that she did not want to speak with him, she wanted to speak with § 87(2)(b) § 87(2)(b). § 87(2)(b) asked for her name again as well as what department she was calling from. PO Garcia did not respond. § 87(2)(b) took the phone and identified herself. PO Garcia told § 87(2)(b) § 87(2)(b) not to go near § 87(2)(b) § 87(2)(b)'s residence again. § 87(2)(b) informed PO Garcia that she was still allowed to go to the apartment because the order of protection was not against her. PO Garcia disregarded her response and told her that if she found out that she went back to the residence, she would have her and her husband arrested. § 87(2)(b) spoke into the phone and asked PO Garcia for her name again. PO Garcia ignored him and stated that she knew they had a court date on § 87(2)(b), and that she would make sure both of their names would be removed from the lease at that time. She hung up the phone before § 87(2)(b) could respond.

PO Garcia (Board Review 03) testified that she was familiar with the § 87(2)(b) family prior to the incident on August 14, 2019. She has conducted home visits to § 87(2)(b) § 87(2)(b) because he is an elderly victim of domestic violence. § 87(2)(b) had recently been arrested for assaulting his father. An order of protection was issued against him, banning him from returning to the apartment. § 87(2)(b) was still allowed at the residence because she was not included in court order, however, she had been letting § 87(2)(b) into the apartment in the middle of the night. PO Garcia was informed of § 87(2)(b)'s actions during the multiple home visits she conducted prior to August 14, 2019. § 87(2)(b) § 87(2)(b) filed multiple complaints against § 87(2)(b) about this and she went to landlord tenant court to file for illegal eviction. The court ruled against § 87(2)(b) and ordered her not to return to the apartment until their next court date on § 87(2)(b). Earlier in the day on August 14, 2019, PO Garcia conducted a home visit to § 87(2)(b) § 87(2)(b). During the visit, § 87(2)(b) § 87(2)(b) asked PO Garcia if he could change the locks on his door because § 87(2)(b) was still coming to the residence in the middle of the night and letting § 87(2)(b) in. PO Garcia approved because § 87(2)(b) § 87(2)(b) was concerned for his safety. After conducting the home visit PO Garcia returned to the stationhouse and decided to call § 87(2)(b). When she called, § 87(2)(b) answered the phone and put it on speaker. PO Garcia identified herself as "Officer Garcia from the 19th Precinct Domestic Violence office" and asked to speak with § 87(2)(b). PO Garcia informed her that she had just conducted a home visit to § 87(2)(b) § 87(2)(b) and learned that she was allowing § 87(2)(b) into the apartment, which violated the order of protection. She told § 87(2)(b) that if she returned to the residence again before § 87(2)(b), she could be arrested for criminal contempt. PO Garcia stated that she could also have been arrested for trespassing. PO Garcia

did not know if § 87(2)(b) and § 87(2)(b)'s actions warranted their removal from the lease and she denied telling them that. During their conversation, § 87(2)(b) asked PO Garcia for her name and shield number and she provided her with that information.

§ 87(2)(b) was issued an order of protection on § 87(2)(b) which mandated that he stay away from the residence of § 87(2)(b) § 87(2)(b) (Board Review 04).

§ 87(2)(g)

[REDACTED]

New York State Penal Law § 530.12 states that in any proceeding in which an order of protection has been issued, the court shall issue a copy to the complainant, defendant, and any other person affected by the order. The presentation of a copy of such order to a police officer shall constitute authority for him or her to arrest a person who has violated the terms of such order and bring such person before the court and, otherwise, so far as lies within his or her power, aid in securing the protection such order was intended to afford (Board Review 05).

New York Penal Code § 215.50 states that a person is guilty of criminal contempt when he engages in intentional disobedience or resistance to the lawful process or other mandate of a court (Board Review 06).

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to two CCRB complaints (including this one) and has been named a victim in five allegations (Board Review 07).
 - § 87(2)(b)
- This is the first complaint to which § 87(2)(b) has been a party (Board Review 08).
- PO Garcia has been a member-of-service for four years and has been a subject in six CCRB complaints (including this one) and 11 allegations, none of which were substantiated.
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Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- § 87(2)(b) declined to mediate this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- A notice of claim has been sent to the New York City Office of Comptroller and will be added to the case file upon receipt.

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date

